

# KENNETH FITZSIMON

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## PRESENT OCCUPATION

Arbitrator

## PROFESSIONAL AFFILIATION

Former Member, Oregon State Bar / Labor & Employment Law Section, Former Chairperson  
Former Member, California State Bar

## EDUCATION

1972 Whittier College School of Law      Los Angeles, California J.D. Cum Laude

## ARBITRATION EXPERIENCE

2006-2014    Commissioner, Portland Public School District Custodian Civil Service Board  
1988-2004 Administrator for Labor Relations, Oregon Nurses Association, Portland Oregon  
1982-1988 Labor Relations Representative, Oregon Nurses Association, Portland, Oregon  
1974-1980 Partner, Richman & Garrett, a Professional Law Corporation, Los Angeles, California  
1972-1974 Law Offices of Kenneth M. Fitzsimon, Los Angeles, California

## INDUSTRIES

Aluminum, Bakery, Building Products, Broadcasting, Cement, Chemicals, Construction, Dairy, Education, Electrical Equipment/Appliances, Entertainment/Arts, Food, Furniture, Health Care, Hotels/Motels/Casinos/Resorts, Hospital/Nursing Home, Meat Packing, Metal Fabrication, Office Workers/Clerical, Organizations, Plumbing, Restaurants, Retail Stores, Rubber/Tire, Shipbuilding/Dry Dock, Steel, Stone/Quarry, Transportation, Trucking and Storage, Upholstering, Utilities, Warehousing.

## **ISSUES**

Affirmative Action, Absenteeism, Arbitrability, Bargaining Unit Work, Conduct, Demotion, Discipline (Non-Discharge), Discipline (Discharge), Discrimination: Age, Disability, Race, Sex, Religion, National Origin, Drug/Alcohol Offenses, Fringe Benefits: Bonus, Holidays, Insurance, Leave, Vacation, Grievance Mediation, Health/Hospitalization, Hiring Practices, Job Performance, Job Posting/Bidding, Jurisdictional Disputes, Layoffs/Bumping/Recall, Management Rights, Official Time, Past Practices, Pension and Welfare Plans, Pension Claim (Fed. Statute), Promotion, Retirement, Safety/Health Conditions, Seniority, Sexual Harassment, Strikes, Lockouts, Work Stoppages, Slowdowns, Subcontracting/Contracting Out, Tenure/Reappointment, Union Security, Wages: Cost-of-Living Pay, Holiday Pay, Incentive Pay, Job Classification and Rates, Merit Pay, Overtime Pay, Severance Pay, Vacation Pay, Work Hours/Schedules/Assignments, Working Conditions/Work Orders, Violence or Threats.

## **ARBITRATION ROSTER(S)**

Federal Mediation and Conciliation Service  
Montana Board of Personnel Appeals  
Oregon Employment Relations Board

## **PER DIEM FEE**

1600

## **DOCKET FEE**

None

## **CANCEL FEE**

See Below

## **GRIEVANCE ARBITRATION**

\$1600 per day for hearing and for research and preparation of the opinion and award. A hearing day is any portion of a day up to eight hours. Time for research and preparation is prorated.

## **CANCELLATION POLICY**

If the scheduled hearing is postponed or cancelled with notice of less than twenty-one (21) working days, not including the hearing day, the per diem fee for each scheduled day of hearing shall be charged. For hearings scheduled for two days or more, a notice period of twenty-eight (28) working days will apply.

## **INT ARBT, FACT FND & LABOR MED**

Per Diem Fees

Joint Obligation: Fees and expenses are the obligation of both parties. The bill may be divided for the convenience of the parties, but such division does not release the parties joint obligation for the entire bill.

## **TRAVEL TIME**

Arbitrator charges per diem fee for any portion of a travel day up to eight hours on non-hearing days. Fee is prorated.

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## **TRAVEL TIME**

## **EXPENSES**

Arbitrator charges actual cost of reasonable expenses, including airfare, train, or car rental, food and lodging. Auto mileage expenses are charged at the prevailing rate permitted by the U. S. Government.